

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/542,681(PCT/US2004/02890) Confirmation No. 9331  
 Applicant(s) : Myers, et al.  
 Filed : February 3, 2004  
 TC/A.U. : 1713  
 Examiner : Unknown  
 Title : RUBBER MODIFIED POLYMERS FROM VINYL AROMATIC MONOMERS  
 Docket No. : 43229A  
 Customer No. : 00109

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL WITH SUFFICIENT POSTAGE IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON:

October 3, 2006

DATE OF DEPOSIT

Amber K. Mobley

PRINT OR TYPE NAME OF PERSON SIGNING CERTIFICATE

Amber K. Mobley

SIGNATURE OF PERSON SIGNING CERTIFICATE

October 3<sup>rd</sup>, 2006

DATE OF SIGNATURE

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

SECOND RENEWED PETITION UNDER 37 CFR 1.181

This is a Second Renewed Petition Under 37 CFR 1.181 related to establishing the Applicants' compliance with 35 USC 372 as of July 19, 2005 for the above-identified Application.

In connection with the entry of the above-identified Application into the national phase in the U.S. Receiving Office, the following documents were sent to the U.S. Receiving Office on July 19, 2005 by depositing in Express Mail (package tracking number EV318534352US):

- PTO-1390 with Cover Sheet (total of 3 sheets);

- Declaration signed by each of the 4 inventors (total of 4 sheets); and
- return post card.

In a Notice of Missing Requirements dated February 15, 2006 we were advised that the Patent Office file was missing two inventors' signatures to the required Declaration for this Application. In response to that Notice of Missing Requirements, on March 3, 2006, evidence was submitted showing that the required Declarations signed by all inventors (each being a separate page) had been submitted July 19, 2005 along with the rest of the required items. Unfortunately, at that time the date-stamped receipt confirmation postcard from U.S. Receiving Office, *prima facie* evidence showing their receipt of the all Declaration pages, had not been located and was not provided. However, it was shown by alternative uncontested Affidavit and documentary evidence that all the necessary items had been properly and timely submitted, including the two missing declaration pages. It had appeared and was presumed that the return post card had also been misplaced at the U.S. Receiving Office. Our response acknowledged this and requested that all of the other evidence we presented be considered to establish that we had met all the requirements of 35 USC 371 (c)(4) for the filing of our application as of July 19, 2005.

This request/petition was denied and, on July 28, 2006 Applicants filed a Renewed Petition requesting reconsideration of this decision. On or about August 28, 2006 we found the missing, date-stamped receipt confirmation postcard that had been filed in the wrong case folder. We promptly submitted this as of September 5, 2006 as a Supplement to our Renewed Petition Under 37 CFR 1.181, but a Petition Dismissal Decision was recently received and apparently did not consider the date-stamped receipt postcard.

Enclosed we include a copy of the date-stamped receipt confirmation postcard indicating receipt by the USPTO/USRO, effective as of July 19, 2005, of all the listed items, including declarations signed by all four of the inventor/applicants for this Application. This further establishes that all the 35 USC 371(c)(4) requirements for the filing of this application were met as of July 19, 2005.

**Request for Refund of \$130 Surcharge**

It is therefore clear that no requirements were missing in connection with the above application as submitted, as was already proven in our timely response to the Notice of Missing Parts and is hereby again shown. Applicants therefore request a credit for the \$130 Surcharge previously charged to our Deposit Account No. 04-1512 for this application. One copy of this sheet is enclosed.

**Request for Correction of 35 USC 371(c)(1), (c)(2) and (c)(4) Filing Date**

Having now established even more conclusively that all of the requirements under 35 U.S.C. 371 for the filing of this application in the United States designated/elected office (DO/EO/US) were met in a timely fashion, we also request that our filing date for purposes of 35 USC 371(c)(1), (c)(2) and (c)(4) be corrected to July 19, 2005.

Respectfully submitted,

*Jonathan W. Morse*

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akm

C- 43229A

**Received in the U.S. Receiving Office:** PTO-1390 with Cover Sheet (3 sheets) for US National Phase Filing, signed Declaration (4 sheets), post card

**Applicant:** Dow Global Technologies Inc, Michael O, Myers, et al  
**International Application No.:** PCT/US2004/002890

**Filed:** 03 February 2004

**Title:** RUBBER MODIFIED POLYMERS FROM VINYL  
AROMATIC MONOMERS

10/542681

JWM/ssp

Express Mailed: July 19, 2005

JC01 Rec'd PCT/PTO 19 JUL 2005